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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

THOMAS NIEMCZYK, individually and
on behalf of a class of similarly situated
individuals,

Plaintiff,

v.

PRO CUSTOM SOLAR LLC d/b/a
MOMENTUM SOLAR,

Defendant.

CIVIL ACTION

No. 2:19-cv-7846

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT**

Oral Argument Requested

Motion Date: September 16, 2019

To: Matthew R. Mendelsohn, Esq.
Mazie Slater Katz & Freeman, LLC
103 Eisenhower Parkway
Roseland, New Jersey 07068
Email: mrm@mazieslater.com
Attorneys for Plaintiff

PLEASE TAKE NOTICE that on September 16, 2019, at 9:00 am or as soon thereafter as counsel may be heard, the undersigned attorneys for defendant Pro Custom Solar LLC d/b/a Momentum Solar ("Defendant") will apply to the above-named Court at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an order dismissing plaintiff's second amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6); and for such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendant will rely upon its brief and certification of counsel, along with all exhibits attached to same. A proposed form of order is submitted herewith for the Court's consideration.

Dated: Florham Park, New Jersey
July 14, 2019

SCHENCK, PRICE, SMITH & KING, LLP

By: s/ Thomas J. Cotton
Thomas J. Cotton

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